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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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11
12 UNITED STATES OF AMERICA,
13 Plaintiff,
14
15 v.
16 EDWIN AYALA,
17 Defendant.

Case No. 2:18-CR-00173-GW-47
ORDER OF DETENTION

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19 I.

20 On May 16, 2019, Defendant Edwin Ayala (“Defendant”) made his initial
21 appearance in this district on the Indictment filed in the United States District
22 Court for the Central District of California, Case No. 2:18-CR-00173-GW-47. The
23 Court appointed Jay Lichtman from the CJA Panel to represent Defendant.

24 Upon Defendant’s request, and without objection from the Government, the
25 Court continued the detention hearing to May 21, 2019 at 2:00 p.m.

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1 On May 21, 2019, the Court conducted a detention hearing on based on a
2 motion by the Government [18 U.S.C. § 3142(e)] in a case allegedly involving a
3 serious risk that Defendant will flee and a serious risk that defendant will obstruct
4 or attempt to obstruct justice or threaten, injure, or intimidate prospective witness
5 or juror, or attempt to do so. Defendant was represented by previously-appointed
6 counsel Jay Lichtman.

7 The Court concludes that the Government is entitled to a rebuttable
8 presumption that no condition or combination of conditions reasonably will assure
9 the defendant's appearance as required and the safety of any person or the
10 community [18 U.S.C. § 3142(e)(2)] ("Presumption").

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12 II.

13 The Court finds that Defendant has not rebutted the Presumption and that no
14 condition or combination of conditions reasonably will assure:

- 15 ☒ the appearance of the defendant as required;
16 ☒ the safety of any person or the community.

17 The Court bases its conclusions on the following:

18 As to risk of non-appearance:

- 19 • Prior and admitted absconding from supervision for approximately
20 one and one-half years;
21 • Prior failures to appear;
22 • Offenses occurring during periods of supervision;
23 • Prior probation violation.

24 As to danger to the community:

- 25 • Nature of the charged offense;
26 • History of criminal activity, including multiple felony convictions.

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1 III.

2 In reaching this decision, the Court considered: (a) the nature and
3 circumstances of the offense(s) charged, including whether the offense is a crime
4 of violence, a Federal crime of terrorism, or involves a minor victim or a controlled
5 substance, firearm, explosive, or destructive device; (b) the weight of evidence
6 against the defendant; (c) the history and characteristics of the defendant; and
7 (d) the nature and seriousness of the danger to any person or the community. [18
8 U.S.C. § 3142(g).] The Court also considered the report and recommendation of
9 the U.S. Pretrial Services Agency.

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11 V.

12 IT IS THEREFORE ORDERED that Defendant be detained until trial. The
13 defendant will be committed to the custody of the Attorney General for
14 confinement in a corrections facility separate, to the extent practicable, from
15 persons awaiting or serving sentences or being held in custody pending appeal.
16 The defendant will be afforded reasonable opportunity for private consultation
17 with counsel. On order of a Court of the United States or on request of any
18 attorney for the Government, the person in charge of the corrections facility in
19 which defendant is confined will deliver the defendant to a United States Marshal
20 for the purpose of an appearance in connection with a court proceeding.

21 [18 U.S.C. § 3142(i).]
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24 Dated: May 21, 2019

_____/s/_____
25 HON. MARIA A. AUDERO
26 UNITED STATES MAGISTRATE JUDGE
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